

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Implementation of the subscriber Carrier)
Selection Changes Provisions of the)
Telecommunications Act of 1996)
)
OnePoint Communications Corporation)
and Talk.Com, Inc. and Talk.Com)
Holding Corp. Joint Petition for)
Waiver of the Subscriber Carrier Selection)
Change Provisions of the)
Telecommunications Act of 1996)

CC Docket No. 94-129

**SECOND SUPPLEMENT TO THE JOINT PETITION FOR WAIVER OF ONEPOINT
COMMUNICATIONS CORP.
AND TALK.COM, INC. D/B/A/ THE PHONE COMPANY, INC.**

On September 8, 2000, OnePoint Communications Corp. ("OnePoint") a subsidiary of Ventures in Communications II, L.L.C. ("Ventures") and Talk.com, Inc. and Talk.com Holding Corp. ("Talk.com"), d/b/a The Phone Company, (collectively, the "Carriers") filed a *Petition for Waiver*¹ requesting that, pursuant to Section 1.3 of the Federal Communications Commission's ("Commission") rules,² the Commission grant a limited waiver of the authorization and verification requirements of the Commission's carrier-change rules, 47 C.F.R. Sections 64.1100

¹ See *In the Matter of Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers*, CC Docket No. 94-129, *OnePoint Communications Corporation and Talk.Com, Inc. and Talk.Com Holding Corp. Joint Petition for Waiver of the Subscriber Carrier Selection Change Provisions of the Telecommunications Act of 1996*, Joint Petition For Waiver (filed Sep. 8, 2000) ("*Petition for Waiver*").

² See 47 C.F.R. § 1.3.

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through 64.1190,³ and relevant Orders,⁴ to the extent necessary to permit The Phone Company to be substituted as the interLATA and international toll service carrier for OnePoint's current customers in Maryland, Virginia, Pennsylvania, Delaware, and Washington, DC. The *Petition for Waiver* was filed in preparation for the proposed acquisition of OnePoint by Verizon Investments, Inc. ("VZI"), a wholly-owned subsidiary of Bell Atlantic Corporation d/b/a Verizon Communications ("Verizon").

On October 25, 2000, the Carriers submitted a *Supplement to the Petition for Waiver*⁵ responding to the Commission's request for additional information. The *Supplement to the Petition for Waiver* clarified that Talk.com, Inc. and Talk.com Holding Corp. do business as "The Phone Company;" that OnePoint will make reasonable efforts to resolve all pending customer complaints relating to its provision of interLATA or international toll service and will cooperate with the Commission, if requested to do so, to ensure timely resolution of complaints; and that at the conclusion of the transfer, The Phone Company would notify all affected customers that it would be their new interLATA and international long distance carrier.

³ The Commission's verification rules prohibit a telecommunications carrier from submitting a preferred carrier-change order unless certain criteria have been met. See 47 C.F.R. § 64.1150.

⁴ See *In the Matter of Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers*, Second Report and Order and Further Notice of Proposed Rulemaking, 14 FCC Rcd. 1508 (1998), appeal in abeyance sub nom. *MCI WorldCom, Inc. v. FCC*, No. 99-1125 (D.C. Cir.).

⁵ See *In the Matter of Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers*, CC Docket No. 94-129, *OnePoint Communications Corporation and Talk.Com, Inc. and Talk.Com Holding Corp. Joint Petition for Waiver of the Subscriber Carrier Selection Change Provisions of the Telecommunications Act of 1996*, Supplement To The Joint Petition For Waiver Of OnePoint Communications Corp. and Talk.Com, Inc. D/B/A/ The Phone Company, Inc. (filed Oct. 25, 2000) ("*Supplement to the Petition for Waiver*").

Upon review of the draft customer notification included in the Carrier's *Supplement to the Petition for Waiver*, the Commission determined that additional information should be provided to all customers that are transferred from OnePoint to The Phone Company, and requested that The Phone Company modify its customer notification letter accordingly. Pursuant to that request, The Phone Company has drafted a new customer notification letter,⁶ which provides:

- The Phone Company's toll-free customer service number;
- a notification that customers will receive the same or better rates, as compared to those that they received from OnePoint, and that customers will not incur any transition charges, including charges for removing the pre-subscribed carrier selection (PIC restriction) and any toll restrictions; and
- a reminder that customers remain free to change their long-distance provider at any time.

The Carriers respectfully submit this *Second Supplement* in order to clarify these aspects of the *Supplement to the Petition for Waiver*, and to further demonstrate that grant of the *Petition for Waiver* will serve the public interest.

⁶ See Attachment.

Respectfully submitted,

TALK.COM, INC. AND TALK.COM
HOLDING CORP.

By:



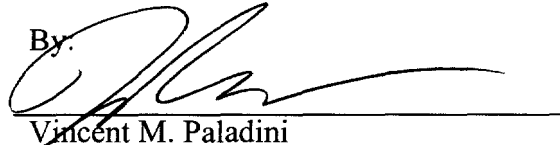
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Counsel to Talk.com

October 30, 2000

ONEPOINT COMMUNICATIONS

By:



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Counsel to OnePoint Communications

ATTACHMENT

TALK LD CONFIRM

Dear Member,

Thank you for choosing the TALK.com Long Distance Savings Plan.

We have just received confirmation from %LEC% that %CID% has been switched to the TALK.com, Inc. Long Distance Savings Plan. Your next bill from %LEC% may reflect this change as a request from The Phone Company, a name used by TALK.com. However, you will receive rates that are the same or lower than those charged to you by OnePoint, and you should not incur any special charges from your local telephone company for making this change.

Each month, your long distance charges are conveniently billed to the credit card you selected. The charges appear on your credit card as "TALK.com Long Distance".

As a long distance member, you are also entitled to discounted calling card rates. Click here to activate your card. Follow the directions in the site and within 24 hours you will begin saving with our low calling card rates. Once you have made a call with your calling card number provided, your calling cards will be sent to you in the mail free of charge.

With the Talk.com, Inc. Long Distance Savings Plan, you will enjoy "real-time" online billing for a fast, easy and fun way to manage your phone bill online. Most of your call records will appear online minutes after calls are completed. In addition, you can customize how your call records appear by clicking categories including "Top Ten Numbers Called," "Call Records Sorted by Duration of Call," "Call Records Sorted by Cost" and much, much more. To view your calls online, at your own convenience simply go to Members Area. If you have any additional questions or wish to update account information, just go to the Members Area at any time.

To insure that you continue with our service and savings, we recommend that you contact %LEC% and instruct them not to change your long distance carrier from The Phone Company without your personal authorization. However, please be aware that you remain free to change your long distance provider at any time.

If you have any questions, please call our toll-free customer service line at 1-800-NXX-XXXX. We value and appreciate your business.

Sincerely,

Talk.com, Inc Long Distance
Customer Care

CERTIFICATE OF SERVICE

I, Mary W. Malone, do hereby certify that I have caused the **forgoing SECOND SUPPLEMENT TO THE JOINT PEITION FOR WAIVER OF ONEPOINT COMMUNICATIONS CORPORATION AND TALK.COM, INC AND TALK.COM HOLDING CORP. D/B/A THE PHONE COMPANY** to be filed with the FCC via hand delivery upon the persons listed on the attached service.

October 30, 2000

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition for Waiver was delivered by messenger on this 30 day of October, 2000, to the following individuals:


Katherine Schroeder, Accounting Policy Division
Federal Communications Commission
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Washington, D.C. 20554

Michele Walters, Accounting Policy Division
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and

Dana Bradford, Accounting Policy Division
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Washington, D.C. 20554



Mary W. Malone